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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/829,516

04/09/2001

Richard L. Schwartz

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11/01/2006

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EXAMINER

NGO, NGUYEN HOANG

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

57

Office Action Summary	Application No.	Applicant(s)	
	09/829,516	SCHWARTZ ET AL.	
	Examiner	Art Unit	
	Nguyen Ngo	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is in response to the pre appeal brief decision of 8/15/2006. Accordingly, Claims 1-48 are currently pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Dolan et al. (US 2006/0227957), hereinafter referred to as Dolan.

Regarding claim 1, 3, 4, 9, 24, 26, 27, 32, 47, and 48, Dolan discloses a method for facilitating mediated virtual communication (flexible call processing to provide the called party with call transfer options, abstract);

receiving, at a mediation system (IAM System of figure 20a), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device (called party of figure 20a), the availability status indicating an availability of the mediation subscriber for receiving voice-based communication at the mediation subscriber communication device (the IAM system extracts call treatments actions and

conditions stored in association with the called party number such as time of day (that a subscriber specify that if a call from a calling party is received at a specified time of data (8-5), during the work week, the call should be forwarded to a specified phone), page 11 [0167]-[0183] and page 10 [0140] and figure 20a);

generating a pending mediated commitment (how to take the incoming call) based on the availability status (time called), the pending mediated commitment indicating a scheduled commitment with a mediated party (treatments such as taking a voice message (using selective greetings) or remote screening on another phone, figure 4 and figure 10 and page 9 [0122]-[0136]);

receiving at the mediation system, an altered context component (the subscriber be provided with the ability to manually specify further call treatment or change the call treatment, page 10 [0141]);

determining the pending mediated commitment associated with the altered context component (new treatment, page 10 [0141]-[0142]);

facilitating, by the mediation system (IAM system), a mediated follow-through operation for altering the pending mediated commitment according to the altered context component (called party requests to interrupt the caller message), thereby producing an altered mediated commitment (page 10 [0140]-[0143]).

Regarding claim 2, 25, Dolan discloses wherein receiving an altered context component includes receiving an altered availability status (availability at time of day, page 10 [0140]).

Regarding claim 5, 6, 7, 8, 28, 29, 30, 31, Dolan discloses transmitting a postponement message for reception by the mediated party communication device (calling party) in response to the revised follow-through action (change in availability) being unacceptable to the mediated party (playing a message, page 4 [0053]-[0054]);
updating a mediated activity data set to reflect the postponement message being communicated (recorded messages to be played to the caller, page 4 [0056]).

Regarding claim 10, 33, Dolan discloses wherein facilitating the mediated follow-through operation includes transmitting, for reception by the mediation subscriber communication device, the revised follow-through action in response to the mediation subscriber being contacted (page 4 [0058]).

Regarding claim 11, 12, 13, 14, 34, 35, 36, 37, Dolan discloses transmitting a postponement message for reception by the mediated subscriber communication device (calling party) in response to the revised follow-through action (change in availability) being unacceptable to the mediated subscriber (page 4 [0053]-[0054] and page 5 [0058]);

updating a mediated activity data set to reflect the postponement message being communicated (message store memory, page 4 [0056]).

Regarding claim 15, 16, 20, 38, 39, 43, Dolan discloses a method for facilitating mediated virtual communication (flexible call processing to provide the called party with call transfer options, abstract);

receiving, at a mediation system (IAM System of figure 20a), a designation of an availability status of a mediation subscriber at a mediation subscriber communication device (called party of figure 20a), the availability status indicating an availability of the mediation subscriber for receiving voice-based communication at the mediation subscriber communication device (the IAM system extracts call treatments actions and conditions stored in association with the called party number such as time of day (that a subscriber specify that if a call from a calling party is received at a specified time of data (8-5), during the work week, the call should be forwarded to a specified phone), page 11 [0167]-[0183] and page 10 [0140] and figure 20a);

generating a pending mediated commitment (how to take the incoming call) based on the availability status (time called), the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party (treatments such as taking a voice message (using selective greetings) or remote screening on another phone, figure 4 and figure 10 and page 9 [0122]-[0136]);

receiving at the mediation system, an altered availability status (the subscriber be provided with the ability to manually specify further call treatment or change the call treatment, page 10 [0141]);

determining the pending mediated commitment associated with the altered availability status (new treatment, page 10 [0141]-[0142]);

facilitating, by the mediation system (IAM system), a mediated follow-through operation for altering the pending mediated commitment according to the altered context component (called party requests to interrupt the caller message), thereby producing an altered mediated commitment (page 10 [0140]-[0143]), wherein facilitating the mediated follow-through operation includes determining a revised follow-through action and preparing a revised follow-through communication including the revised follow-through action (call treatment actions, page 9 [0130]-[0136] and page 13 [0174]-[0188]).

Regarding claim 17, 18, 19, 40, 41, 42, Dolan discloses transmitting a postponement message for reception by the mediated party communication device (calling party) in response to the revised follow-through action (change in availability) being unacceptable to the mediated party (playing a message, page 4 [0053]-[0054]);

updating a mediated activity data set to reflect the postponement message being communicated (recorded messages to be played to the caller, page 4 [0056]).

Regarding claim 21, 22, 23, 44, 45, 46, Dolan discloses transmitting a postponement message for reception by the mediated subscriber communication device (calling party) in response to the revised follow-through action (change in availability) being unacceptable to the mediated subscriber (page 4 [0053]-[0054] and page 5 [0058]);

updating a mediated activity data set to reflect the postponement message being communicated (message store memory, page 4 [0056]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Brahm et al. (US 7103167), Systems and Methods For Call Screening.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N.N.

Nguyen Ngo

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Ricky Q. Ngo

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